

REMARKS

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 33-46 are newly rejected under 35 U.S.C. § 112, first paragraph for allegedly "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." The Examiner states:

The specification lacks complete deposit information for the deposit of hybridoma cell line ATCC Deposit Number 209431. It is not clear that hybridomas possessing the identical properties of ATCC Deposit Number 209431 are known and publicly available or can be reproducibly isolated from nature without undue experimentation.

See, Paper No. 15, page 2.

Applicants respectfully point out that the instant claims are directed to methods of treatment using polypeptides encoded by the cDNA contained in ATCC Deposit No. 209341 and not to antibodies produced by a hybridoma contained in ATCC Deposit No. 209431 as identified in Paper No. 15.

Applicants have transmitted herewith a Statement by Attorney for Applicants Regarding Permanence and Availability of Deposited Plasmids, which states that the claimed cDNA was accepted by an International Depositary Authority under the provisions of the Budapest Treaty and that all restrictions upon public access to the deposited material will be irrevocably removed upon grant of a patent on this application.

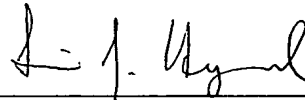
In light of the statement made by Applicants' Attorney and the above remarks, Applicants respectfully request that the rejection of claims 33-46 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

CONCLUSION

Applicants respectfully request that the remarks of the present response be entered and made of record in the present application. The application is believed to be in condition for allowance. Early notice to that effect is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution, the undersigned can be reached at the telephone number indicated below. If a fee is required in connection with this paper, please charge Deposit Account No. 08-3425 for the appropriate amount.

Respectfully submitted

Dated: June 28, 2002



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